

DATE

Ms. Celeste Gauthier
Interim Chief Executive Officer
Central Louisiana State Hospital
P.O. Box 5031
Pineville, LA 71361-5031

RE: Docket No. 2022-009
Advisory Opinion

Dear Ms. Gauthier:

The Louisiana Board of Ethics (“Board”), at its March 4, 2022 meeting, considered your request for an advisory opinion as to whether the Code of Governmental Ethics (“Code”) would prohibit Jeremy Nunnally from serving as chaplain for Central Louisiana State Hospital (“CLSH”) on a contractual basis while he is employed as a CLSH Police Officer.

FACTS PROVIDED

Mr. Nunnally has been employed in CLSH’s Security Department as a part-time WAE Police Officer 1-A since November 2, 2020. He has since accepted a Job Appointment position (Police Officer) at the facility with an effective date of January 10, 2022. As a Police Officer, his duties include transporting patients, patrolling the grounds and manning the front gate under the supervision of the Police Lieutenant A. Following the retirement of CLSH’s chaplain, Mr. Nunnally, a licensed and ordained minister since 2009, has expressed interest in also providing chaplain services at CLSH. Those services would be coordinated and supervised by the Social Services Department Head Social Worker 6B. Since chaplain jobs are in a different pay schedule and have different duties, the two positions cannot be combined. As such, a professional services contract would be required in order to retain Mr. Nunnally’s services as a chaplain.

LAW

La. R.S. 42:1102(2)(a)(i) defines “agency” to mean a department, office, division, agency, commission, board, committee, or other organizational unit of a governmental entity. “Agency of the public servant” and “his agency” when used in reference to the agency of a public servant shall mean for public servants in the twenty principal departments of the executive branch of state government, the office in which such public servant carries out his primary responsibilities.

La. R.S. 42:1113A(1)(a) states no public servant, excluding any legislator and any appointed member of any board of commission and any member of a governing authority of a parish with a population of ten thousand or less, or member of such a public servant's immediate family, or legal entity in which he has a controlling interest shall bid on or enter into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant.

ANALYSIS

La. R.S. 42:1113A(1)(a) provides that no public servant shall bid on or enter into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the agency of such public servant. Mr. Nunnally's agency is defined as the office in which he carries out his primary responsibilities, if the public servant serves one of the 20 principal departments of the Louisiana State executive branch. CLSH is a component of the Louisiana Department of Health. Accordingly, Mr. Nunnally's agency is the CLSH Security Department, as it is the office in which he carries out his primary duties as a Police Officer. Should Mr. Nunnally contract with CLSH's Social Services Department to become chaplain, the contract would not be under the supervision of his agency.

CONCLUSION

The Board concluded, and instructed me to inform you, that based on the facts presented, the Code does not prohibit Mr. Nunnally from serving as CLSH's chaplain on a contractual basis while maintaining his employment as a CLSH Police Officer.

Please note that the Board's opinion expressed herein is limited to an examination and application of the Code's provisions. Opinions on Louisiana's dual officeholding and dual employment laws are within the jurisdiction of the Office of the Attorney General. The Louisiana Department of Justice – Office of the Attorney General may be contacted at (225) 326-6000.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Board issues no opinion as to past conduct and or to laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions contained in the Louisiana Gaming Control Law.

If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

LaToya D. Jordan
For the Board